

AMENDED IN SENATE AUGUST 13, 2008

AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2824**

**Introduced by Assembly Member Berryhill**

*(Principal coauthor: Senator Wiggins)*

February 22, 2008

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~~An act to add Section 10422.5 to, and to repeal and add Sections 10405 and 10422 of, the Food and Agricultural Code, relating to animals. An act to add Section 112877 to the Health and Safety Code, relating to food labeling.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2824, as amended, Berryhill. ~~Reacting bovine animals: exposed nonreacting animals: slaughter: indemnity.~~ Food labeling: olive oil.

*Existing law defines olive oil to mean the edible oil obtained from the fruit of an olive tree. SB 634 proposes to redefine olive oil to mean the edible oil obtained solely from the fruit of the olive tree to the exclusion of oils obtained using solvents or reesterification processes and of any mixture with oils derived of other kinds, except as specified. SB 634 would also define olive oil grades.*

*This bill would revise the definition of extra virgin olive oil as it is proposed to be added by SB 634 to be effective only if both bills are chaptered and this bill is chaptered last.*

~~Existing law requires any bovine animal in a brucellosis control area that reacts positively to a test for brucellosis to be immediately identified and slaughtered within 30 days in accordance with regulations of the Secretary of Food and Agriculture. Existing law requires the owner of~~

~~an animal in a brucellosis control area that is slaughtered to be indemnified, as provided.~~

~~This bill would instead provide that the owner of such a slaughtered animal, if indemnity funds are available, may receive part or all of certain proceeds and sums.~~

~~Existing law authorizes the secretary to proceed with the identification of nonreacting animals in a herd and require the slaughter of those animals and the disinfection of the premises where the animals have been kept if certain requirements are satisfied, including that funds are available to indemnify the owner of the nonreacting animals. Existing law requires the indemnity paid to the owner of the nonreacting animal which is slaughtered to be the difference between the appraised value of the animal and the proceeds of the sale of the salvage, and requires the indemnity not to exceed \$400 for any grade animal or \$500 for any purebred animal, less a certain sum.~~

~~This bill would instead provide that the owner of such a slaughtered animal, if indemnity funds are available, may receive part or all of certain proceeds and sums. The bill would recast the provisions relating to the valuation of slaughtered nonreacting animals.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 112877 is added to the Health and Safety*
- 2     *Code, to read:*
- 3     *112877. Olive oil grades are defined as follows:*
- 4     *(a) "Virgin olive oils" means those oils fit for consumption as*
- 5     *they are, obtained from the fruit of the olive tree solely by*
- 6     *mechanical or other physical means under conditions, particularly*
- 7     *thermal conditions, that do not lead to alterations in the oil, and*
- 8     *which have not undergone any treatment other than washing,*
- 9     *decanting, centrifuging, and filtration. Virgin olive oils fit for*
- 10    *consumption as they are include:*
- 11    *(1) "Extra virgin olive oil" means virgin olive oil which has a*
- 12    *free acidity, expressed as oleic acid, of not more than 0.8 grams*
- 13    *per 100 grams, has a peroxide value of not more than 20*
- 14    *milliequivalent peroxide oxygen per kilogram oil and would meet*
- 15    *the sensory standards of extra virgin olive oil as determined by a*
- 16    *taste panel certified by the International Olive Council, or, if the*

1 *International Olive Council ceases to certify taste panels, would*  
2 *meet the sensory standards of a taste panel that is operated by the*  
3 *University of California or California State University according*  
4 *to guidelines adopted by the International Olive Council as of*  
5 *2007.*

6 (2) *“Virgin olive oil” means virgin olive oil which has a free*  
7 *acidity, expressed as oleic acid, of not more than 2 grams per 100*  
8 *grams oil and has a peroxide value of not more than 20*  
9 *millequivalent peroxide oxygen per kilogram oil.*

10 (3) *“Ordinary virgin olive oil” means virgin olive oil which has*  
11 *a free acidity, expressed as oleic acid, of not more than 3.3 grams*  
12 *per 100 grams oil and has a peroxide value of not more than 20*  
13 *millequivalent peroxide oxygen per kilogram oil.*

14 (b) *“Olive oil” is the oil consisting of a blend of refined olive*  
15 *oil and virgin olive oils fit for consumption as they are as defined*  
16 *in this section. It has a free acidity, expressed as oleic acid, of not*  
17 *more than 1 gram per 100 grams.*

18 (c) *“Refined olive oil” means the olive oil obtained from virgin*  
19 *olive oils by refining methods which do not lead to alterations in*  
20 *the initial glyceridic structure. It has a free acidity, expressed as*  
21 *oleic acid, of not more than 0.3 grams per 100 grams oil.*

22 (d) *“Olive-pomace oils” means oils obtained by treating olive*  
23 *pomace with solvents or other physical treatments, to the exclusion*  
24 *of oils obtained by reesterification processes and of any mixture*  
25 *with oils of other kinds. They shall be labeled and marketed with*  
26 *the following designations and definitions:*

27 (1) *“Olive-pomace oil” is the oil comprising the blend of refined*  
28 *olive-pomace oil and virgin olive oils fit for consumption as they*  
29 *are. It has a free acidity, expressed as oleic acid, of not more than*  
30 *1 gram per 100 grams oil. In no case shall this blend be called or*  
31 *labeled “olive oil.”*

32 (2) *“Refined olive-pomace oil” is the oil obtained from crude*  
33 *olive-pomace oil by refining methods which do not lead to*  
34 *alterations in the initial glyceridic structure. It has a free acidity,*  
35 *expressed as oleic acid, of not more than 0.3 grams per 100 grams*  
36 *oil.*

37 (3) *“Crude olive-pomace oil” means olive-pomace oil that is*  
38 *intended for refining for use for human consumption or that is*  
39 *intended for technical use.*

1     *SEC. 2. Section 1 of this bill makes additional changes to*  
2     *Section 112877 of the Health and Safety Code as proposed to be*  
3     *added by SB 634. It shall only become operative if both bills are*  
4     *enacted, SB 634 adds Section 112877 to the Health and Safety*  
5     *Code, and this bill is enacted after SB 634, in which case Section*  
6     *112877 of the Health and Safety Code, as proposed to be added*  
7     *by SB 634, shall not become operative.*

8     ~~SECTION 1. Section 10405 of the Food and Agricultural Code~~  
9     ~~is repealed.~~

10    ~~SEC. 2. Section 10405 is added to the Food and Agricultural~~  
11    ~~Code, to read:~~

12    ~~10405. If an animal is slaughtered pursuant to this article, and~~  
13    ~~indemnity funds are available, the owner may receive part or all~~  
14    ~~of the following:~~

15    ~~(a) The proceeds of the sale of the salvage of the animal.~~

16    ~~(b) From the United States Department of Agriculture, any sum~~  
17    ~~that is authorized to be paid to the owner from any appropriation~~  
18    ~~that is made by the United States Department of Agriculture to~~  
19    ~~assist in the eradication of brucellosis in cattle in this state.~~

20    ~~SEC. 3. Section 10422 of the Food and Agricultural Code is~~  
21    ~~repealed.~~

22    ~~SEC. 4. Section 10422 is added to the Food and Agricultural~~  
23    ~~Code, to read:~~

24    ~~10422. The value of a nonreacting animal that is slaughtered~~  
25    ~~shall be determined by appraisal by a representative of the~~  
26    ~~department or a representative of the Agricultural Research Service~~  
27    ~~of the United States Department of Agriculture, and by the owner~~  
28    ~~or his or her agent. If these persons do not agree on the valuation~~  
29    ~~of the animal, the animal shall be appraised by the chief appraiser~~  
30    ~~of the department or his or her representative. In either event, the~~  
31    ~~value that is determined is final.~~

32    ~~SEC. 5. Section 10422.5 is added to the Food and Agricultural~~  
33    ~~Code, to read:~~

34    ~~10422.5. If a nonreacting animal is slaughtered pursuant to this~~  
35    ~~article, and indemnity funds are available, the owner may receive~~  
36    ~~part or all of the following:~~

37    ~~(a) The proceeds of the sale of the salvage of the animal.~~

38    ~~(b) From the United States Department of Agriculture, any sum~~  
39    ~~that is authorized to be paid to the owner from any appropriation~~

- 1 ~~that is made by the United States Department of Agriculture to~~
- 2 ~~assist in the eradication of brucellosis in cattle in this state.~~

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